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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)

Allocation of Spectrum Below)
5 GHz Transferred from)
Federal Government Use)

ET Docket No. 94-32

To: The Commission

COMMENTS OF

MAJOR CITIES POLICE CHIEFS ASSOCIATION

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1. The Major Cities Police Chiefs Association (Major Cities), organization of Chiefs of Police of the 45 most populous cities in the United States, submits these comments in the ET Docket No. 94-32 Notice of Inquiry (NOI)¹ with reference to Footnote 21 of the Inquiry in which the Commission includes for consideration in the proceeding the Petition for Rule Making by the Coalition of Private Users of Emerging Multimedia Technologies (COPE)².

Purpose of NOI

2. The purpose of the NOI, according to the Commission, is to seek information on potential applications for 50 megahertz of spectrum in the bands 2390-2400 MHz, 2402-2417 MHz and 4660-4685 MHz which has been identified by the National Telecommunications &

¹ Adopted by the Commission on April 20, 1994 and released by the Commission on May 4, 1994.

² Filed with the Commission on December 23, 1993.

Information Administration (NTIA)³ for immediate transfer from Federal Government to private sector use in accordance with the Omnibus Budget Reconciliation Act of 1993⁴. The Reconciliation Act requires that the Commission adopt regulations to allocate, and proposed regulations to assign, this first 50 megahertz of spectrum by February 10, 1995.

3. The Commission asks that comments in response to the NOI focus generally on the 50 MHz identified in the three above bands rather than on an additional 150 MHz in seven other bands identified by NTIA in its Preliminary Spectrum Reallocation Plan as reallocation targets in subsequent actions in 1996, 1997, 1999 and 2004. These bands are: 1390-1400 MHz; 1427-1432 MHz; 1670-1675 MHz; 1710-1755 MHz; 2300-2310 MHz; 3650-3700 MHz; and 4635-4660 MHz.

Public Safety Recognition

4. The NOI recognizes that: "The Reconciliation Act has reaffirmed the on-going responsibility of the Commission to consider the spectrum and interoperability needs of the public safety community when making spectrum allocation decisions. We request comment on the utility for public safety communications systems of the spectrum identified for immediate reallocation, including comment on the degree to which the proposed spectrum could help increase the ability of all public safety workers to

³ Preliminary Spectrum Reallocation Report, U.S. Department of Commerce, NTIA Special Publication 94-27, February, 1994 (Commerce Report).

⁴ Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, 6001(a)(3), signed into law August 10, 1993.

communicate with each other."⁵

5. Further, the NOI notes that: "The Reconciliation Act requires that the FCC, by February 1995, complete a study of current and future spectrum needs of public safety agencies through the year 2010 and develop a specific plan to satisfy those needs. The Act also requires that, at least biannually, the Chairman of the FCC and the Assistant Secretary of Commerce shall meet to conduct joint spectrum planning with respect to, among other issues, the future spectrum requirements for public safety agencies and spectrum allocation actions necessary to accommodate those needs."⁶

Major Cities' Position

6. Both as members of the International Association of Chiefs of Police and as an individual entity, the Major Cities Chiefs have participated in the Congressional hearing processes which have resulted in the legislation that now, finally, requires NTIA to turn over some spectrum for non-Federal uses. Unfortunately, from the perspective of the law enforcement agencies in the major population centers of the United States and the people whose lives and property they are required to protect, NTIA's Preliminary Plan falls far short of meaningful progress.

7. The spectrum "relief" for public safety being considered in the NOI in ET Docket No. 94-32 will not provide the spectrum basis for the advanced technology tools which the law enforcement

⁵ NOI, 9(f).

⁶ NOI, Footnote 24.

community needs, particularly in the major metropolitan areas where they are most needed. It will most certainly not be of help with respect to the mandate to the Commission to ". . .by February 1995, complete a study of current and future spectrum needs of public safety agencies through the year 2010 and develop a specific plan to satisfy those needs." And it will not increase the ability of urban public safety workers to communicate with each other, since it will not sustain communications systems which law enforcement agencies are likely to buy.

New Services

8. The Major Cities communications departments will undoubtedly be the testing and implementation grounds for non-Federal high technology law enforcement and other public safety communications products and services. These services will include:

- o Enhanced and expanded video and photographic surveillance -- in color -- such as is being used by the Federal Bureau of Investigation.
- o Capability to tie into the FBI's upgraded NCIC-2000 National Crime Information Center system for the image transmission of fingerprints, mugshots, stolen objects, contraband and personal property between a police patrol and FBI Headquarters. The current architecture calls for the FBI to deliver these features to the State nodes. Distribution to individual agencies and their field units will be up to State and local government entities.
- o Capability to connect to four existing or planned Imaging

Centers at FBI field offices in Atlanta, Chicago, New York and San Francisco which can quickly produce graphics of suspected criminals for dissemination to the local police and others.

- o Ability to meet the growing need for computer aided dispatching, Enhanced 9-1-1, and field office data access and analysis stemming from market acceptance for data, lap top computers, automatic vehicle location systems, imaging/facsimile equipment, and direct visual communications. The latter in itself will generate a new need for 35% more radio channel capacity.
- o Greater capability to provide response services in the developing Intelligent Vehicle Highway System.
- o Enhanced dispatch and telephone interconnect capabilities.
- o Enhanced decision support capabilities by enabling high speed interaction between field support personnel and central data files.

COPE Petition

9. A similar catalogue of new services, each responsive to the market sector's requirements, is on tap for the other groups of private users participating in the COPE petition, all subject to frequency availability.

10. Carrier-provided PCS service will not meet law enforcement's communications requirements in large cities for a number of reasons, including:

- o System access time is beyond that required for police communications.
- o Field unit density. Carriers may not provide service in all areas where there is little usage, tunnels, in-building, etc.
- o Law enforcement systems require multi-levels of redundancy.
- o Public carrier systems go into overload (blocking) during emergencies.
- o Urban police must be able to set and change priorities and groupings at will.
- o Police must have unit-to-unit communications outside their systems as well as the ability for interoperability between jurisdictions.
- o Security of messages and encryption of all phases of the communications links and systems cannot be compromised.

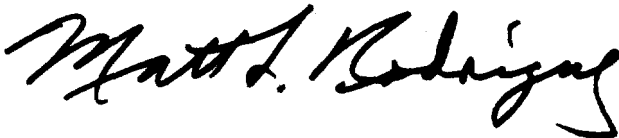
11. As the COPE petition points out, an allocation of spectrum as proposed by COPE is integral to the advancement of major policy initiatives of the Clinton Administration in the areas of crime control, energy conservation and management, emergency response and rescue, health care, pollution control and improved industrial productivity. Further, it is expected that these same or similar applications might be desired by Federal users, and COPE suggests that a shared government/non-government allocation would facilitate the development of equipment that could be used by either private sector users or Federal agencies.

12. The requested allocation would also meet the Congressional mandates of the 1993 Budget Reconciliation Act which direct that the FCC and NTIA perform joint spectrum planning with respect to "future spectrum requirements for public and private uses, including State and local government public safety agencies."

Summary

13. For the above reasons, the Major Cities Chiefs⁷, along with IACP, support COPE's request for an allocation of spectrum below 3 GHz in the vicinity of the 2 GHz band, and its request that the spectrum be reallocated from Federal government in the processes called for in the 1993 Budget Act. Allocation of spectrum for the Advanced Private Land Mobile Communications Service on a shared Government/nongovernment basis would also be consistent with the Budget Act's provisions on "mixed-use" allocations.

Respectfully submitted,



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June 15, 1994

⁷ The membership roster of the Major Cities Chiefs is attached as an addendum to these comments.

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